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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 13th December, 1974:—

BILL No. 97 OF 1974

A Bill to provide for the establishment of the Crop Insurance Corporation for the purpose of undertaking the business of crop insurance so as to protect the interest of farmers from loss due to unavoidable causes.

Be it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the Crop Insurance Corporation Act, 1974.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Board" means the Board of Directors constituted under section 6;

(*b*) "Corporation" means the Crop Insurance Corporation set up under this Act;

(*c*) "crop" means and includes paddy, wheat, gram, barley, millet, corn, potato, pulses, sugarcane and such other agricultural commodities which may be notified, from time to time, by the Central Government in the Official Gazette, and also includes seed as defined in the Seeds Act, 1966; 54 of 1966.

(*d*) "crop insurance" means and includes insurance against loss of the insured crop due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wild life, insect infestation, plant disease and such other unavoidable causes as may be prescribed;

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "scheme" means a scheme made under this Act for the purpose of providing compulsory insurance to the growers of crop.

Establishment of Crop Insurance Corporation of India.

3. (*1*) **With effect from such date as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Central Government shall establish for the purposes of this Act a Corporation known as the Crop Insurance Corporation of India.**

(*2*) The Corporation shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and may, by that name, sue and be sued.

Capital of Corporation.

4. (*1*) **The original capital of the Corporation shall be such sum not exceeding two hundred crores of rupees as the Central Government may fix.**

(*2*) **The Central Government may from time to time increase the capital of the Corporation to such extent and in such manner as that Government may determine.**

(*3*) **Such capital may be provided by the Central Government from time to time after due appropriation made by Parliament by law for the purpose and subject to such terms and conditions as may be determined by that Government.**

Management of Corporations.

5. (*1*) The general superintendence, direction and management of the affairs and business of the Corporation shall vest in a Board of Directors, to be called the Board, which may exercise all such powers and do all such acts and things as may be exercised or done by the Corporation under this Act.

(*2*) The Board in discharging its functions, shall act on business principles having regard to the interests of the Corporation and shall be guided by such instructions on questions of policy as may be given in writing to it by the Central Government.

Constitution and powers of the board of directors.

6. (*1*) The Board of Directors of the Corporation shall consist of the following, namely:—

(*a*) a Chairman;

(*b*) four directors to represent respectively the Ministries of the Central Government dealing with—

(*i*) food,

(*ii*) agriculture,

(*iii*) finance, and

(*iv*) co-operation;

(*c*) the Managing Director of the Life Insurance Corporation of India established under section 3 of the Life Insurance Act, 1956, *ex-officio;*

31 of 1956.

(*d*) Controller of Insurance, Ministry of Finance;

(*e*) a managing director having, at least, five years experience of managing the affairs of one or more statutory corporations in the capacity of a managing director;

(*f*) three members of Parliament of whom two shall be members of the House of the People and one shall be a member of the Council of States duly elected by the members of the House of the People and the members of the Council of States respectively;

(*g*) one person each nominated by the Government of each State.

(*2*) The Chairman and all the directors of the Corporation, other than the directors referred to in clauses (c), (f) and (g) of sub-section (1), shall be appointed by the Central Government.

(*3*) The managing director shall exercise such powers and perform such duties as the Board may entrust or delegate to him.

Crop Insurance Scheme.

7. (*1*) The Central Government shall, as soon as after the commencement of this Act, formulate a scheme providing for compulsory insurance of crops.

(*2*) The scheme formulated under sub-section (*1*) shall, *inter alia* provide for the following, namely:—

(*a*) the terms and conditions of crop insurance;

(*b*) the terms and conditions of multiple crop insurance, *i.e.* insurance of two or more agricultural commodities under one contract with the farmer;

(*c*) the extent to which the insurance loss may be covered;

(*d*) rate of premium to be paid by the farmers;

(*e*) procedure for payment of claims for losses in agricultural commodities and the manner of payment.

(*3*) The scheme may be modified by the Corporation subject to the condition that any such modification shall come into force after it has received the approval of the Central Government.

Duty of Corporation.

8. It shall be the duty of the Corporation to administer the scheme.

Crop Insurance Fund.

9. (1) All contributions paid under this Act and all other moneys received on behalf of the Corporation shall be paid into a fund called the Crop Insurance Fund which shall be held and administered by the Corporation for the purposes of this Act.

(2) The Corporation may accept grants, donations and gifts from the Central or any State Government, local authority or any individual or body whether incorporated or not, for all or any of the purposes of this Act.

(3) Subject to the other provisions contained in this Act and to any rules or regulations made on this behalf, all moneys accruing or payable to the said Fund shall be paid into the Reserve Bank of India or such other bank as may be approved by the Central Government to the credit of an account styled as the account of the Crop Insurance Fund.

(4) Such account shall be operated on by such officers as may be authorised by the Corporation.

Purposes for which Fund may be expended.

10. Subject to the provisions of this Act and of any rules made by the Central Government in that behalf, the Crop Insurance Fund shall be expended only for the following purposes, namely:—

(i) payments against losses covered by crop insurance in accordance with the provisions of this Act or the scheme made thereunder and defraying the charges and costs in connection therewith;

(ii) payment of fees and allowances to the members of the Board and other Committees/Boards which may be constituted to carry out the purposes of this Act;

(iii) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and servants of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Act;

(iv) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(v) such other purposes as may be prescribed.

Maintenance of accounts of Corporation.

11. The Corporation shall maintain correct accounts of its income and expenditure in such form and in such manner as may be prescribed by the Central Government.

Annual Report to be laid before Parliament.

12. (1) The Corporation shall, as soon as may be, after the end of each financial year prepare and submit to the Central Government in such form, as may be prescribed, a report giving an account of its activities during the previous financial year, and an account of the activities, if any, which are likely to be undertaken by the Corporation in the current and the immediately following financial year.

(2) The Central Government shall cause the report to be laid before both the Houses of Parliament, as soon as may be, after each such report is received by the Central Government.

Power of Central Government to give Directions.

13. The Central Government may give directions to a State Government as to the carrying into execution of any scheme of crop insurance in that State.

Power to make rules.

14. (*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(*2*) Without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:—

(*a*) the term of office of, and the manner of filling casual vacancies among, and the other terms and conditions of appointment of, the directors of the Corporation;

(*b*) the additional functions which the Corporation may perform;

(*c*) the remuneration or fees payable to the members of the Board and the term of office of, and the manner of filling casual vacancies among, such members;

(*d*) the manner in which the Corporation may invest its funds;

(*e*) the form of the annual statement of accounts and the balance sheet to be prepared by the Corporation;

(*f*) any other matter which has to be or may be prescribed.

(*3*) Every rule made by the Central Government under this section, every scheme made under section 7 and any modification thereto shall be laid, as soon as may be, after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two sucessive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of Corporation to make regulations.

15. (*1*) The Corporation may, subject to the condition of previous publication and with the previous approval of the Central Government, by notification in the Gazette of India, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the powers and functions of the Corporation which may be delegated to the zonal managers which may be appointed under the scheme;

(*b*) the method of recruitment of employees and agents of the Corporation and the terms and conditions of service of such employees or agents;

(*c*) the manner in which the fund of the Corporation shall be maintained;

(*d*) the conduct of business at meetings of the Corporation;

(*e*) the form and manner in which policies may be issued and contracts binding the Corporation may be executed;

(*f*) the manner in which and the interval within which the accounts of the various zonal offices, divisional offices and branch offices may be inspected and their accounts audited;

(*g*) the conditions subject to which any payment may be made by the Corporation; and

(*h*) the matter necessary for efficient conduct of the affairs of the Corporation.

STATEMENT OF OBJECTS AND REASONS

Frequent floods, drought and other natural calamities have made the life of our kisans uncertain. Their capital investment in the shape of high starch seed (rice, maize, etc.), fertilizers, insecticides, tractors, pumping sets, etc. is always at stake. Crops worth crores of rupees are damaged and the farmers have to suffer a lot. This gives a set back to their will to grow more.

Every year crores of rupees are spent both by the Central and State Governments in compensating the farmers affected by floods, drought and other natural calamities which ultimately increase the burden on the tax-payer without creating a sense of confidence among farmers. If this amount of public fund is utilized for purposes of ensuring crops, it would help the farmers and generate a sense of confidence among them and, at the same time, the burden on the Exchequer would not be more than what is being spent by way of relief given to the victims of natural calamities.

The compulsory crop insurance scheme would give the farmers an incentive to devote their whole hearted attention towards improving the agricultural produce both in quantity and quality. This would certainly result in economic progress of the country.

Hence this Bill.

NEW DELHI; YAMUNA PRASAD MANDAL.

The 14th October, 1974.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish the Crop Insurance Corporation of India. Taking into consideration the enormity of the insurance scheme which the present Bill seeks to achieve, it has been provided in clause 4 that the original capital of the Crop Insurance Corporation shall be a sum not exceeding two hundred crores of rupees which has to be provided by the Central Government from time to time from the Consolidated Fund of India after due appropriation made by Parliament. Other expenditure which might have to be incurred in setting up of the Crop Insurance Corporation are not ascertainable at this stage.

The recurring expenditure of the Corporation will be met from the Fund of the Corporation.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 empowers the Central Government to formulate a scheme providing for compulsory insurance of crops.

Clause 14 empowers the Central Government to make rules to carry out the purposes of the Act. Clause 15 provides for making of regulations by the Corporation. These powers, delegated to the Central Government and the Corporation, relate to matters of details and are of normal character.

BILL No. 107 OF 1974

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1974.

Amendment of Article 124.

2. In article 124 of the Constitution, in clause (2), after the first proviso, the following proviso shall be inserted, namely:—

"Provided further that the appointment of every Judge of the Supreme Court shall be subject to ratification by Parliament.".

Amendment of article 155

3. In article 155 of the Constitution, the following proviso shall be inserted at the end, namely:—

"Provided that the appointment of the Governor of a State shall be subject to ratification by Parliament.".

STATEMENT OF OBJECTS AND REASONS

In a democratic framework, the function of Supreme Court Judges and Governors assume great significance. Any arbitrariness on their part or their partisan attitude imperils our democracy as well as our Constitution, particularly in a constitutional crisis.

If the appointments of Supreme Court Judges and Governors are ratified by Parliament, it will act as a desirable pressure on the Government in the matter of their appointments.

Hence this Bill.

NEW DELHI; MADHU DANDAVATE.

The 11th November, 1974.

Secretary General.

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